

AMENDMENT TO THE DRAWINGS

Fig. 1 has been amended. The attached sheet of formal drawings replaces the original sheet including Figs. 1-3.

REMARKS/ARGUMENTS

The Office Action dated October 2, 2008 has been carefully considered. Claims 1-10 are pending in the present application with claim 1 being in independent form.

The Examiner's indicates that listing references in the specification is not a proper information disclosure statement. A listing of patents, publications and other information in compliance with 37 C.F.R. 1.98(b), however, was submitted with the application at the time of filing and a supplemental Information Disclosure Statement in compliance with 37 C.F.R. 1.98(b) was filed on December 22, 2008. In addition, a second supplementary Information Disclosure Statement is being filed concurrently herewith to disclose additional references that have come to the attention of Applicant. Applicant believes that that all references disclosed in the specification have now been properly made of record in the present application.

The Examiner has objected to the drawings because the specification refers to a character "4" in Fig. 1 which is not present in Fig.1. Fig. 1 has been amended herein to include the reference numeral "4" related to the snap hinge disclosed in the specification.

Accordingly, it is respectfully requested that the objection to the drawings be reconsidered and withdrawn.

Claims 1-6, 7, 9 and 10 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,148,912 to Nozawa in view of U.S. Patent No. 6,041,477 to Rentsch et al. (hereinafter "Rentsch"). Reconsideration of this rejection is respectfully requested.

Claim 1 of the present application relates to a closure "moulded in closed position with a body comprising fixing means to fix the closure on a neck of a bottle, and a lid, comprising a sealing mean to seal an orifice of the bottle, whereby the body and the lid are separated to each other by a circumferential gap, and a snap hinge comprising a first and a second trapezoid element and a first and second pair of film hinges each pair defining a first and a second plane, the first and the second pair of film hinges connecting the first and the second trapezoid element to the lid and to the body, whereby the first and the second plane are arranged substantially parallel to an axis A of the closure."

None of the references cited by the Examiner, including Nozawa and Rentsch, disclose a closure that is "moulded in closed position" as is required by claim 1 of the present application.

In each of the references cited by the Examiner, the closure, or cap, is moulded in an open position. Indeed, it would not have been possible to mould the caps disclosed in the art cited by the Examiner in a closed position. For example, in Nozawa, the cavity formed between the outer wall of the opening 2 formed in the main body 1 and the outer wall of the lid 3 when the closure is closed could not be moulded in the closure if it were moulded in the closed position. Exhibit A, attached hereto, illustrates the closure of the present application in the left column and the closure disclosed in U.S. Patent. Publication No. 2003/0205549A1 (hereinafter the '549 Application) which includes a cavity similar to that noted above in Nozawa in the right column. As can be seen in the cross sectional view (Fig. 5) of the closure disclosed in the '549 Application, when in the closed position, the cavity between the opening in the lower part of the closure and the outer wall of the upper part of the closure cannot be moulded. This is true of all of the references that have been cited by the Examiner. Thus, none of the references cited by the Examiner disclose a closure "moulded in a closed position," as is required by claim 1 of the present application.

In addition, both Nozawa and Rentsch fail to disclose a closure including "a lid, comprising a sealing mean to seal an orifice of the bottle," as is also required by claim 1 of the present application. In contrast, in both Nozawa and Rentsch, the seal acts on the body of the closure and not on the bottle, as is required by claim 1 of the present application. In Nozawa, the plug 4 fits in the opening 2 of the body 1 to provide a seal. Similarly, in Rentsch, the counterpart 16 formed on the lid 23 is used to seal the outflow opening 17 of the closure body 24. Thus, in both Nozawa and Rentsch, the only sealing takes place between the lid and the body of the closure and not between the closure and the "orifice of the bottle" as is required by claim 1 of the present application.

Accordingly, Applicant respectfully submits that claim 1, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

Claim 8 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nozawa in view of Rentsch and further in view of U.S. Patent Publication No. 2002/0079282 to Harrold et al. (hereinafter "Harrold"). Reconsideration of this rejection is respectfully requested.

Claim 8 depends from claim 1. Applicant believes that claim 1 is patentable over Nozawa and Rentsch for at least the reasons described above. Further, Applicant believes that claim 1 is patentable over Nozawa, Rentsch and Harrold, since Nozawa, Rentsch and Harrold,

either alone or in combination, fail to show or suggest the patentable features of claim 1 described above.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, including claim 8, are patentable over the cited art for at least the reasons described above.

In light of the remarks and amendments made herein, Applicant respectfully submits that claims 1-10 are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

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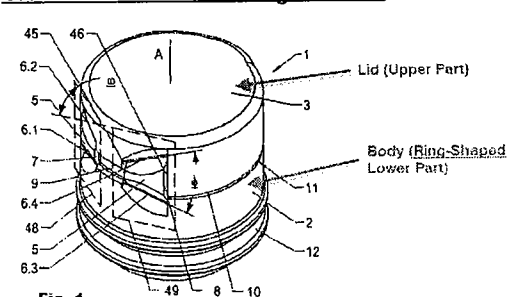
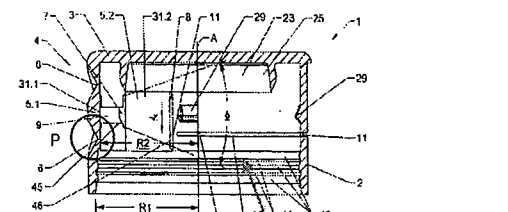
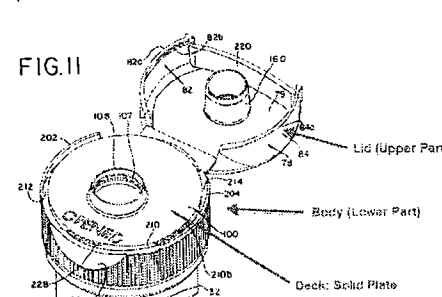
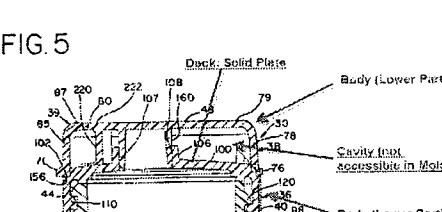

DAM/KJB

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith J. Barkaus", is written over a horizontal line.

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EXHIBIT A

Closure molded in an open position (according to present invention)	Prior Art - Closure molded in a closed position (US 2003/0205549A1)
<p><u>Closed Position = Molding Position</u></p>  <p>Fig. 1</p>  <p>Fig. 8</p> <p>Closed Position: Everything is accessible from the outside and can be molded</p>	<p><u>Open Position = Molding Position</u></p>  <p>FIG. 11</p>  <p>FIG. 5</p> <p>Deck: Solid Plate</p> <p>Body (Lower Part)</p> <p>Cavity (not accessible in mold)</p>
<p><u>Open Position:</u></p>  <p><u>Closure on a Bottle:</u></p> 